

2007-2008 Annual Report
Kentucky Board of Medical Licensure
Preston P. Nunnelley, M.D., President

The United States Constitution authorizes states to establish laws and regulations protecting the health, safety and general welfare of their citizens. Medicine is a regulated profession because of the potential harm to the public if an incompetent or impaired physician is licensed to practice. In order to protect the public from the unprofessional, improper, unlawful, fraudulent or incompetent practice of medicine, each state has developed their own Medical Practice Act that defines the practice of medicine and delegates the authority to enforce the law to a state medical board.

The Kentucky Board of Medical Licensure is responsible for licensing medical and osteopathic physicians practicing in the Commonwealth of Kentucky. The Board also investigates complaints, disciplines those who violate the law, conducts physician evaluations and facilitates the rehabilitation of physicians when appropriate. By following up on complaints, the Board provides the public with a resource to enforce basic standards of competence and ethical behavior in their physicians, and offers physicians a way to protect the integrity of their profession. The Board also adopts policies and opinions related to the practice of medicine.

Unlike most state agencies, the Board is independent and maintains all licensing and disciplinary powers. It is made up of volunteer physicians and members of the public who are appointed by the governor and paid a nominal stipend for their service. The Board employs an administrative staff, which includes an executive officer, attorneys, investigators and licensing staff. The Board is funded directly through licensing and renewal fees. It receives no general fund tax appropriations.

Obtaining a license to practice medicine in Kentucky is a rigorous process. The Board ensures that those entering the profession have met predetermined qualifications that include medical school graduation, postgraduate training and passage of a national medical licensing examination. Applicants also must provide details about their work history and reveal information regarding any past medical history that may affect their ability to practice. Only

those who meet the state's predetermined qualifications are granted permission to practice medicine in the state.

After physicians are licensed, they must re-register annually to continue their active status. During this re-registration process, physicians must demonstrate that they have maintained acceptable standards of professional conduct and medical practice. In Kentucky, physicians must show that they have participated in a program of continuing medical education.

The Board devotes a significant amount of resources to monitor licensed physicians' competence and professional conduct. The Board reviews grievances from patients, health professionals, government agencies, health care organizations and other state medical boards regarding physicians who may be incompetent or act unprofessionally, and takes appropriate action against a physician's license if the person is found to have violated the law. State laws require the Board to ensure fairness and due process to any physician under investigation.

While the Board sometimes finds it necessary to suspend or revoke licenses, it has found that many problems can be resolved with additional education or training in appropriate areas. In other instances, it may be more appropriate to place a physician on probation or place restrictions on a physician's license to practice. This compromise protects the public while maintaining a valuable community resource in the physician. Probation and restrictions can be placed against a medical license while a physician receives further training or rehabilitation.

Last year marked several changes in the makeup of the Board. In December 2007, the Board welcomed four new members who were appointed by former Governor Ernie Fletcher. New members include Susan M. Berberich, M.D., Louisville; Russell L. Travis, M.D., Lexington; Uday V. Dave, Madisonville and Brianna D. Legg, Georgetown. Listed below are the current members of the Board.

- Preston P. Nunnelley, M.D., President, Lexington
- Donald J. Swikert, M.D., Vice President, Edgewood
- Randel C. Gibson, D.O., Secretary, Mayfield
- C. William Briscoe, M.D., Corbin

- Susan M. Berberich, M.D., Louisville
- Uday V. Dave, M.D., Madisonville
- Justice (Ret.) William Graves, Paducah
- Brianna D. Legg, Georgetown
- Linda A. Mumford, M.D., Owensboro
- Thangam Rangaswamy, Ph.D., Louisville
- Russell L. Travis, M.D., Lexington
- William D. Hacker, M.D., Frankfort
- Boyd R. Buser, D.O., Pikeville
- Edward C. Halperin, M.D., Louisville
- Jay A. Perman, M.D., Lexington

In June 2008, a special meeting of the Board was held to honor Danny M. Clark, M.D. for his 21 years of service to the Board. Several moving tributes were made to Dr. Clark during the meeting recognizing him for his long and distinguished service. A gavel noting the ten years he served as the Board's President was also presented to him.

During the year, the full Board held four meetings. A total of 1,417 applications for medical or osteopathic licenses were reviewed. Eighty-eight physicians appeared before the Board to answer questions regarding their qualifications for medical licensure. For the year, 948 regular licenses were issued. In addition, 231 residency-training licenses were issued, 29 institutional licenses and seven fellowship licenses were issued.

In addition to licensing physicians, the Board is responsible for regulating physician assistants, surgical assistants, athletic trainers and acupuncturists. To assist the Board, four advisory committees have been appointed to handle matters relating to these professions. The advisory committees meet quarterly and present recommendations to the Board for approval. These committees provide a valuable service to the Board.

The operating budget of the Board for the past year was \$2.5 million. We receive no funds from the State's General Fund. All income to operate the Board's office is generated from fees charged to physicians, physician assistants, surgical assistants, athletic trainers and acupuncturists. We currently have 20 full time employees to carry out the Board's responsibilities.

In addition to the licensing of these professionals, the Board is also responsible for reviewing and investigating grievances filed against these individuals. When a grievance is received, an investigation is conducted and a report is presented to a Board Inquiry/Hearing Panel for review to determine if any violations of the Medical Practice Act have occurred. The Board's two Inquiry/Hearing Panels met 11 times this year and reviewed 244 grievances. As a result, formal disciplinary action was initiated against 47 licenses. For the year, seven licenses were surrendered, five licenses placed on probation, three licenses suspended, six licenses revoked and 23 licenses restricted. In addition, 27 Letters of Concern were issued and nine received a Letter of Admonishment.

Based on statistics compiled by the Public Citizens' Health Research Group, a health care consumer advocacy group in Washington, D.C., the Board remains one of the more active disciplinary boards in the country. In 2007, Kentucky ranked second in the number of serious disciplinary actions taken against physicians practicing in the state. The Board remains committed to the protection of the public by taking appropriate disciplinary action in a timely manner when violations of the Medical Practice Act occur.

A program status report summarizing the various activities of the Board for the past year is attached. The report includes the total number of meetings held by the Board, its Inquiry Panels and the four advisory committees during the year. The report also lists the total number of licenses issued, the various disciplinary actions taken against licenses along with the number of grievances filed and investigated during the year.

The proper use of controlled substances for the treatment of pain continues to be an ongoing issue with the Board. While the Board acknowledges that increased media scrutiny and publicity of actions taken against physicians for inappropriate treatment of pain has heightened the fear among physicians, it is important to note that the Board strongly feels that physicians should not fear disciplinary action for prescribing controlled substances for a legitimate medical purpose and in the usual course of professional practice. The Board encourages physicians to view effective pain management as part of quality medical practice for all patients with pain, acute or chronic.

The Board recognizes the importance of this issue and has taken steps to address this concern. The Board has adopted guidelines to assist physicians who prescribe controlled substances in pain management. The guidelines were developed in order to clarify the Board's position on pain control, especially as related to the use of controlled substances for non-terminal/non-malignant chronic pain, in order to alleviate physician uncertainty and to encourage better pain management. A copy of these guidelines can be found on the Board's website at www.kbml.ky.gov.

Support and funding of the Kentucky Physicians Health Foundation continues to be an emphasis of the Board. The primary purpose of this program is to provide early identification, intervention, treatment and rehabilitation of physicians who may be impaired by reason of illness, alcohol or drug abuse, or as a result of a mental condition. Through the collaborative efforts between the Foundation and the Board, many physicians have been rehabilitated and under proper supervision have been able to return to the active practice of medicine.

In recent years, the Board began requiring all applicants for initial medical or osteopathic licensure to utilize the Federation of State Medical Board's Credentials Verification Service (FCVS). The FCVS provides a centralized, uniform process for state medical boards to obtain a verified, primary source record of a physician's core medical credentials. Once verified, the physician can use the FCVS to obtain licensure across the nation at any time during the physician's career. The FCVS provides a lifetime repository for verified information relating to medical training and once completed, greatly enhances the portability of a medical license. The FCVS service has been very beneficial in the licensing of physicians in Kentucky.

Our newsletter remains one of our most efficient tools to notify physicians of important information. The Board uses this valuable resource as an educational conduit to physicians and calls to their attention any changes in statutes, regulations or practice guidelines dealing with the practice of medicine. The newsletter also lists all disciplinary actions recently taken by the Board. As a service to all Kentucky hospitals, a listing of recent disciplinary actions is emailed on a monthly basis.

The Board's website, www.kbml.ky.gov continues to provide valuable information about the Board, policy statements and guidelines, a direct link to the state Medical Practice Act, administrative regulations and other information for physicians, physician assistants, surgical assistants, athletic trainers and acupuncturists. Consumers can also go on the site and find out how to file a grievance and have access to a profile of all physicians, as well as any Board action taken within the past ten years.

By statute, physicians practicing in the state are required to renew their license by March 1st of each year to keep their license active. In an effort to make the license renewal process easier, the Board utilizes an on-line renewal application. The on-line application has been well received with over 87% of physicians utilizing the on-line service. Currently 9,566 physicians are registered in the state and another 4,087 physicians outside the state have an active license. Overall, there are a total of 13,653 physicians currently maintaining an active Kentucky license.

In order to maintain an active Kentucky medical or osteopathic license, a physician must obtain 60 hours of continuing medical education for the current three-year cycle that concludes on December 31, 2008. Thirty of these hours must be in category 1 CME. The remaining 30 hours can be in category 1 or may consist of non-supervised personal training activities designated as category 2 CME credits. A total of 411 physicians were audited during the past year. Of those audited, seven physicians were fined and granted a six-month extension to complete the CME requirement.

This is a summary of some of the many activities this Board has been involved with this past year. In closing, I would like to express my appreciation to members of the Board and staff for the hard work and commitment they have brought to the task of carrying out the Board's statutory responsibilities. We look forward to the challenges that lie ahead and will continue our efforts to improve the quality of medical care being provided by physicians practicing in the Commonwealth and protect the best interests of the public when violations of the Medical Practice Act occur.

Kentucky Board of Medical Licensure

Status Report - Fiscal Year 2008

Medical and Osteopathic Physicians

Meetings Held	FY2008
Board of Medical Licensure	4
Inquiry/Hearing Panels	11
Services Provided	
Renewals and Applications:	
Registered in State	*9,566
Registered Out of State	**4,087
Applications Approved for Initial Licensure	1,417
New Licenses Issued:	
Medical Licenses	948
Osteopathic Licenses	79
Temporary Permits	668
Residency Training	231
Institutional Practice Limited Licenses	29
Fellowship Training Limited License	7
Faculty License	2
Disposition of Grievances and Disciplinary Actions Taken	
New Cases Opened	244
New Cases to Panels	224
New Cases Investigated	139
New Cases Pending	120
Malpractice Cases Reviewed	33
Disciplinary Proceedings Authorized	47
Complaints Issued	23
Emergency Orders of Suspension	10
Emergency Orders of Restriction	7
Actions Taken:	
Agreed Order of Indefinite Restriction	23
Agreed Order of Surrender	7
Agreed Order of Probation	5
Agreed Order of Revocation	3
Agreed Order of Suspension	2
Agreed Order of Fine	3
Agreed Orders	18
Interim Agreed Orders	4
Order of Revocation	3
Order of Suspension	3
Orders Amended	23
Letters of Agreement	11
Letters of Admonishment	9
Letters of Concern	27

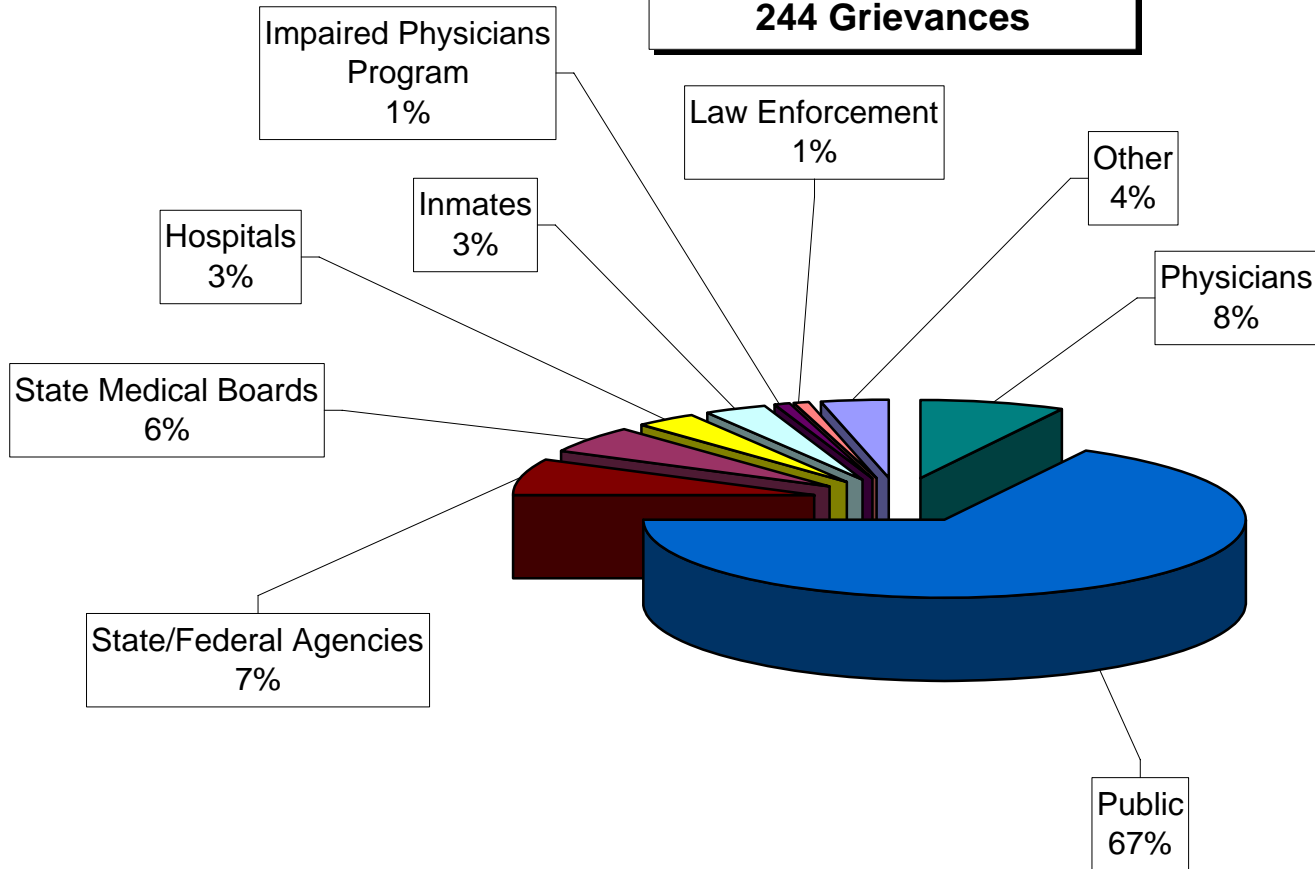
* Includes retired physicians with a Kentucky mailing address.

**Includes physicians who practice in the state but do not maintain a Kentucky office address.

**Kentucky Board of Medical Licensure
Status Report
Fiscal Year 2008**

Meetings Held:	FY2008
Physician Assistant Advisory Committee	4
State Council on Athletic Trainers	4
Surgical Assistant Advisory Committee	4
Acupuncture Advisory Committee	4
Services Provided:	
Physician Assistants:	
Active	824
New	97
Athletic Trainers:	
Active	378
New	41
Surgical Assistants:	
Active	158
New	18
Acupuncturists:	
Active	44
New	13

Source of Grievance
July 1, 2007- June 30, 2008
244 Grievances



Type of Grievance
July 1, 2007 - June 30, 2008
244 Grievances

